

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON JOE ELKINS,

Defendant.

**CR-15-79-GF-BMM**

**AMENDED ORDER**

**INTRODUCTION**

Defendant Brandon Joe Elkins (“Elkins”) filed a motion for the early termination of his supervision on February 12, 2024. (Doc. 73.) The government opposes the Elkins’ motion. (Doc. 76.) The Court conducted a motion hearing on February 29, 2024. (Doc. 76.)

**DISCUSSION**

A defendant may move for termination of their supervised release after successfully completing one year’s supervision, so long as the Court is satisfied that termination remains “warranted by the conduct of the defendant and the interest of justice.” 18 U.S.C. § 3583(a). The Court must consider the factors in 18 U.S.C. § 3553(a) in evaluating whether to terminate a term of supervised release. Title 18 of

the U.S. Code, section 3553(a) provides relevant factors which include: “the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to reflect the seriousness of the offense, to provide the defendant with needed educational or vocational training . . . in the most effective manner; [and] the need for the sentence imposed to afford adequate deterrence to criminal conduct,” amongst other factors. 18 U.S.C § 3553(a).

Elkins pleaded guilty to receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A). (Doc. 21.) The Court sentenced Elkins to 72 months of custody with five years of supervised release to follow. (Doc. 42.) Elkins appealed his sentence. (Doc. 44.) The Ninth Circuit dismissed Elkins’ appeal due to the valid appeal waiver. (Doc. 53.) On October 29, 2020, Elkins appeared on supervised release violations and received a sentence of time served and 54 months of supervised release. (Doc. 67.) The Court calculates that Elkins has served 46 months of his term of supervised release. Elkins’ supervision is set to terminate on April 28, 2025. (Doc. 73.)

The Court determines that the § 3553(a) factors support the early termination of Elkins’ supervision. U.S. Probation advises that Elkins had some technical violations up until June 14, 2021, but that Elkins had no subsequent violations following that date. (Doc. 73 at 2.) Elkins’ substantial history of compliance while on supervision demonstrates that he has been deterred from future criminal conduct.

U.S. Probation further advises that Elkins has completed Sex Offender Treatment, and notes that Elkins is still required complete monthly monitoring with a treatment counselor every month until November 2024. (Doc. 73 at 3.)

**ORDER**

Accordingly, **IT IS ORDERED:**

1. Elkins' motion for the early termination of his supervised release (Doc. 73) is **GRANTED.**

DATED this 19th day of August 2024.



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Brian Morris, Chief District Judge  
United States District Court